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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,389	09/23/2005	Kaoru Hamada	H. Tanaka Case 11	1771
23474 7590 05/17/2007 FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			EXAMINER HESS, BRUCE H	
			ART UNIT 1774	PAPER NUMBER
			MAIL DATE 05/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,389

Applicant(s)

HAMADA ET AL.

Examiner

Bruce H. Hess

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-21-09 (Prel. Amdt.)
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 1774

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Kawakami et al. (WO 02/081229 A1; see EP 1 375 182 A1 at paragraphs [0005], [0044] and [0045] for a translation).

This patent teaches thermally sensitive recording media which can employ applicants' compound (1) as a color developer, applicants' compound (2) as a sensitizer, an epoxy group-containing diphenylsulfone as a stabilizer and anilino fluorane color formers. The experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., select specific compound substituents) fails to render applicants' claims patentable in the absence of unexpected results.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Kawakami et al. in view of applicants' statement of the prior art and the patent to Miyamoto et al. (JP 61-043593).

The teachings of the primary reference are discussed above. Applicants acknowledge on page 3 of their specification the advantages of employing ink jet recording layers on the back of thermally sensitive recording media. The patent to Miyamoto et al. (JP 61-043593) teach that ink jet recording layers employing a water-soluble polymer, a water-insoluble inorganic salt containing divalent ions and a cationic resin give excellent results in water and light resistance and image preservability. Consequently, application of Miyamoto et al.'s ink jet recording layer on the back of Kawakami et al.'s thermally sensitive recording media as suggested by applicants' in their statement of the prior art would have been obvious to one of ordinary skill in this art in the absence of unexpected results.



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